

Serial No.: 10/729,114

Confirmation No.: 3162

Filed: 5 December 2003

For: WOUND DRESSINGS AND METHODS

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### Remarks

The language added to the claims in the previous Amendment and Response (“wherein in the areas where the composition is in contact with the substrate, the wound dressing includes substrate apertures that are unobstructed by the polymer composition”) is fully supported by Applicants’ specification, and specifically at, for example, page 19, lines 3-28. This would be clearly understood by one of skill in the art. Respectfully, it is not new matter.

The Examiner is reminded that “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) . . . .” M.P.E.P. § 2163.02. Applicants respectfully submit that the Examiner has taken too narrow a view of the specification in alleging that this added language is new matter.

It is not clear why the Examiner stated in the Advisory Action that claim 18 remains rejected. Claim 18 has been cancelled.

### The 35 U.S.C. §103 Rejection

The Examiner rejected claims 1-2, 5-8, 12, 14-18, 20, 21, and 23-28 under 35 U.S.C. §103 as being unpatentable over Cilento et al. (EP 0512855) in view of Lykke (WO 02/066087). The Examiner rejected claims 9-11, 19, and 22 under 35 U.S.C. §103 as being unpatentable over Cilento et al. (EP 0512855) in view of Lykke (WO 02/066087) and further in view of “SALCARE® SC95” by Ciba®. Independent claims 1, 19, and 20 having been amended, these rejections are rendered moot. Insofar as the rejections apply to the presently pending claims, they are respectfully traversed.

It is respectfully submitted that the Examiner is reading more into the teaching of Cilento et al. than is there. It is not clear where in Cilento et al. that the 4x4 dressing is identified as an “apertured gauze material” or that the dough can be applied on such “gauze” material in “discrete locations or islands.” The Examiner is requested to provide this information.

Again, it is noted that the term “dressing” in this context can be in a wide variety of forms (“[h]istorically, a **dressing** was usually a piece of material, sometimes cloth, but the use of cobwebs, dung, leaves and honey have also been described. However, modern dressings include

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gauzes (which may be impregnated with an agent designed to help sterility or to speed healing), films, gels, foams, hydrocolloids, alginates, hydrogels and polysaccharide pastes, granules and beads”, see, [http://en.wikipedia.org/wiki/Dressing\\_\(medical\)](http://en.wikipedia.org/wiki/Dressing_(medical)). The reference to page 10, lines 11-12 of Cilento et al., in combination with the other cited documents, is not sufficient to teach or suggest that this doughy mass could be coated on or impregnated into an apertured substrate to form a wound dressing, wherein in the areas where the composition is in contact with the substrate, the wound dressing includes substrate apertures that are unobstructed by the polymer composition.

It is respectfully submitted that the present invention can only be considered obvious with the impermissible use of hindsight reconstruction. Reconsideration and withdrawal of these rejections are respectfully requested.

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**Summary**

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

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Sept. 27, 2010  
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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27<sup>th</sup> day of September, 2010.

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